

Tammy B. Webb (SBN 227593)
tbwebb@shb.com
SHOOK, HARDY & BACON L.L.P.
One Montgomery, Suite 2700
San Francisco, California 94104
Telephone: (415) 544-1900
Facsimile: (415) 391-0281

Steven A. Zalesin (admitted *pro hac vice*)
sazalesin@pbwt.com
PATTERSON BELKNAP WEBB & TYLER LLP
1133 Avenue of the Americas
New York, New York 10036-6710
Telephone: (212) 336-2000
Facsimile: (212) 336-2222

Attorneys for Defendants
THE COCA-COLA COMPANY and
COCA-COLA REFRESHMENTS USA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GEORGE ENGURASOFF and JOSHUA
OGDEN, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

THE COCA-COLA COMPANY and COCA-
COLA REFRESHMENTS USA, INC.,

Defendants.

Case No. 3:13-cv-03990-JSW

**STIPULATION AND ~~[PROPOSED]~~
ORDER GRANTING CONTINUANCE OF
HEARING DATE ON DEFENDANTS'
MOTION TO DISMISS PLAINTIFFS'
AMENDED COMPLAINT AND INITIAL
CASE MANAGEMENT CONFERENCE**

Judge: Hon. Jeffrey S. White

Pursuant to Civil Local Rules 6.1(b) and 7-7, Plaintiffs George Engurasoff and Joshua Ogden ("Plaintiffs"), and Defendants The Coca-Cola Company and Coca-Cola Refreshments USA, Inc. ("Defendants") (collectively referred to as the "Parties") through their respective counsel hereby stipulate as follows:

WHEREAS, the Complaint was served on Defendants on September 13, 2013;

1 WHEREAS, the Court granted the Parties' Stipulation and Proposed Order Extending Time
2 to File Response to Complaint and Setting Briefing Schedule for Motion to Dismiss on September
3 24, 2013 (Dkt. No. 10);

4 WHEREAS, Plaintiffs' Amended Complaint was filed on October 21, 2013 (Dkt. No. 15);

5 WHEREAS, Defendants filed a Motion to Dismiss Plaintiff's Amended Complaint on
6 November 22, 2013 (Dkt. No. 30);

7 WHEREAS, Plaintiffs filed an Opposition to Defendants' Motion to Dismiss on January 10,
8 2014 (Dkt. No. 33);

9 WHEREAS, Defendants' Reply Brief in support of its Motion to Dismiss Plaintiffs'
10 Amended Complaint is currently due on January 31, 2014; and

11 WHEREAS, the hearing date on Defendants' Motion to Dismiss Plaintiffs' Amended
12 Complaint is currently set for February 21, 2014;

13 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the Parties through
14 their respective attorneys of record that:

- 15 1. Due to the unavailability of plaintiffs' counsel on February 21, 2014 and the
16 unavailability of defense counsel after March 7, 2014, the current hearing date for
17 Defendants' Motion to Dismiss Plaintiffs' Amended Complaint is continued from
18 February 21, 2014 to March 4, 2014, or, if that date is not convenient for the Court, to
19 March 7, 2014;
- 20 2. Pursuant to the agreement of the parties, in the event the hearing date on Defendants'
21 Motion to Dismiss Plaintiffs' Amended Complaint is continued pursuant to Paragraph 1
22 above, the deadline for Defendants to file their Reply Brief in support of their Motion to
23 Dismiss is extended to February 7, 2104; and
- 24 3. Pursuant to the agreement of the parties, in the event the hearing date on Defendants'
25 Motion to Dismiss Plaintiffs' Amended Complaint is continued pursuant to Paragraph 1
26 above, the Initial Case Management Conference currently set for February 21, 2014 is
27 continued to the date on which the hearing on Defendants' Motion to Dismiss is reset,

1 with the Initial Case Management Conference to take place following the hearing on
2 Defendants' Motion to Dismiss.

3
4 Dated: January 21, 2014

SHOOK, HARDY & BACON L.L.P.

5
6 /s/ Tammy B. Webb

TAMMY B. WEBB

7 Attorneys for Defendants
8 THE COCA-COLA COMPANY and
9 COCA-COLA REFRESHMENTS USA, INC.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: January 21, 2014

FLEISCHMANN LAW FIRM

/s/ Bradley F. Silverman

BRADLEY F. SILVERMAN

Attorneys for Plaintiffs
GEORGE ENGURASOFF and
JOSHUA OGDEN

Pursuant to L.R. 5-11(i)(3), I attest that concurrence in the filing of this document has been obtained from the other signatories.

By: /s/ Tammy B. Webb

Tammy B. Webb

[PROPOSED] ORDER

The Court hereby orders that:

1. The current hearing date for Defendants' Motion to Dismiss Plaintiffs' Amended Complaint is continued from February 21, 2014 to March ²¹4, 2014 at 9 a.m. /~~p.m.~~;
2. The Initial Case Management Conference currently set for February 21, 2014 is continued to March 21, 2014 at 1:30 a.m. / p.m. The deadline to file the reply brief is not extended because there was no showing of good cause.

IT IS SO ORDERED.

Dated: January 29, 2014


THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE